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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,299	07/19/2001	Raymond E. Klingemann	TT4397	9959
7590 09/08/2004				
Rennie Dover, Gallagher & Kennedy 2575 E. Camelback Road Phoenix, AZ 85016			EXAMINER ROSENBERGER, RICHARD A	
			ART UNIT 2877	PAPER NUMBER
DATE MAILED: 09/08/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/909,299

Applicant(s)

KLINGEMANN ET AL.

Examiner

Richard A Rosenberg

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/17/02</u> . | 6) <input type="checkbox"/> Other: ____. |

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1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims do not clearly set forth the claimed structure and method. The claims leave out essential structure, steps and relationships. For example, in claim 1 is it unclear what structure is covered by the two claimed "sides", and what the claimed relationship between the two sides, the wafer, and the remainder of the structure is or is intended to be. As the structure relating to the "sides" is unclear, claims that set forth other characteristics of the "sides", such as claims 2 and 6 are unclear. In claim 9, there is no relation set forth between the two plates, and no relation to the slot and the reflective material to the structure as a whole; although the structure is set forth in the preamble as an apparatus for reading a scribe mark on a wafer, there is no relationship set forth to a wafer or to a scribe mark, or to any means to read such a scribe mark. In claim 16, it is unclear what "receives light reflected from the scribe mark", and it is unclear what the relationship between the reflecting light and the scribe mark reading area in the last step have to the receiving of the next-to-last step. The claims are in general unclear and confusing, and the above is not intended to be a complete statement of all of the unclarities of the claims.

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (US 3,801,182).

Jones shows an apparatus with a first plate (13a) and a second plate (17), the first plate having a slot and a reflective material formed on a portion of it (the "mirror formed with a slit" of claim 3 of the reference). The various parts, including the two plates, of the apparatus would in an actual embodiment be connected together to form a single "body", at least part of which would at least obviously could be made to be vertical. The reflective material on plate 13a is a mirror material. The mirror material is optically coupled to a mirror (14); the exact choice of the mirror structure is a matter well within the skill of those in the art and could obviously include a concave mirror; such scanners with concave facets are known in the art. There is a light source (11) to provide light to be reflected by the mirror material (after reflection by the sample 10); the reference refers to the light source as being a "laser or other light source" (column 2, line 14-15); the use of a known light emitting diode or the like is an "other light source" and would have been obvious.

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5. Claims 1 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGarry et al (US 5,861,910).

As to instant claim 1, The reference shows, in figure 1C, a wafer (12) with a indicia (14) on it; the indicia could be at least obviously a scribe mark (instant claim 4). There is means for illuminating the wafer (illumination elements 24 and 25 on element 26) and means for reflecting light from the wafer (mirror 16). Although the reference does not explicitly show means to support the wafer, it is clear that the wafer does not float unsupported in the air, and is somehow supported by some structure, so it is at least clearly obvious to provide a support structure to support the wafer. Any such structure must support the wafer, so it will have a wafer support side, and it must also allow the mark to be seen, so it will have a mark reading side. Claim 1 does not require the two sides be different.

The light source can comprise a light emitting diode (column 5, line 48), as in instant claim 5.

In regard to instant claim 16, the reference shows, in figure 1C, providing a wafer (12) with an indicia (14) on it; it is at least obvious that the indicia could be a scribe mark. The reference received light from the scribe mark, and reflects, by mirror 16, the light from the scribe mark to a scribe mark reading area, in camera (10).

The reference shows a light source to illuminate the wafer (instant claims 17), and a camera (18) to record the image of the scribe marks.

6. Wilt et al (US 5,231,536) and Rodriguez (US 5,975,836) show known wafer mark reading systems.

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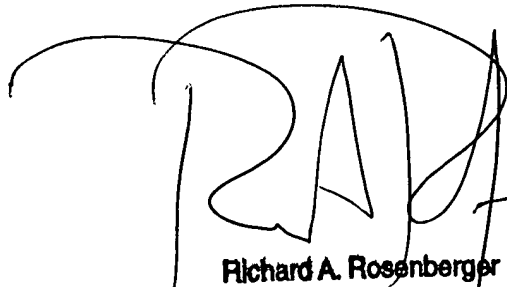
7. There appears to be allowable subject matter disclosed in the application; the art does not show the specific mark-reading structure disclosed. Claims that distinctly and specifically set this material forth would be allowable.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard A Rosenberger whose telephone number is (571) 272-2428. The examiner can normally be reached on Monday through Friday during the hours of 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J. Toatley, Jr. can be reached on (571) 272-2800 ext. 77. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

R. A. Rosenberger
2 September 2004



Richard A. Rosenberger
Primary Examiner